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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,269	11/30/1999	MARTINUS J. TOPS	PHN.17.186	8816

7590 03/28/2003

US PHILIPS CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591

EXAMINER

ZIMMERMAN, GLENN

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/451,269

Applicant(s)

TOPS ET AL.

Examiner

Glenn Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

Amendment, filed on January 6, 2003, has been entered and acknowledged by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Luard et al. U.S. Patent 6,100,779.

Regarding claim 13, Luard et al. disclose a deflection coil (**deflection coil Fig. 2 ref. 18; deflection coil Fig. 3 ref. 17**) for a cathode ray tube, the deflection coil

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comprising: a plurality of flanges (**Fig. 2 or 3 flanges at front and rear of deflection coil**) fanning out in a fan-shaped manner (**Fig. 2 or 3 no ref. #**) from a rear flange (**Fig. 2 or 3 top of drawing; this is a lying flange as compared to an upstanding flange**) to a front flange (**Fig. 2 or 3 no ref. #**) ; and a current supply wire having a first portion detached from the front flange (**Fig. 2 or 3 any of loose wires at front flange**) and a second portion attached to the front flange (**Fig. 2 or 3 attached wires are under the bands of the front flange**), wherein an impression of the first portion of the current supply wire is absent from the front flange (**Fig. 2 or 3 no impression shown in Fig. 2; no impression mentioned in the specification**).

Regarding claim 14, Luard et al. disclose the deflection coil of claim 13, wherein the first portion of the current supply wire is S-shaped (**Fig. 2 or 3 shows S-shaped current supply wires**) by design during a winding of the deflection coil.

As to limitation winding in claim 14, it is the process step incorporated into which renders the claim as a product-by-process.

The courts have been holding that: “- In spite of the fact that a product-by-process claim may recite only process limitation, it is the product which is covered by the claim and not the recited process steps- - . (In re Hughes, 182 USPQ 106) - -”. Also - - Patentability of a claim to a product does not rest merely on a difference in the method by which that product is made. Rather, it is the product itself which must be new and unobvious. (In re Pilkington, 162 USPQ 147) - -.” Accordingly, “- - a rejection based on 35 U.S. C. section 102 or alternatively on 35 U.S. C. section 103 of the statute is eminently fair and acceptable.” (In re Brown and Saffer, 173 USPQ 685 and 688). - -

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The determination of the patentability of product-by-process claim is based on the product itself rather than on the process by which the product is made- -. In re Thrope, 777 F. 2d 695, 227 USPQ 964 (Fed. Cir. 1985).

As such, no patentable weight is given to process steps recited in claim 14.

Regarding claim 15, Luard et al. disclose a deflection coil (**deflection coil Fig. 2 or 3 ref. 18 and 17**) for a cathode ray tube, the deflection coil comprising: a plurality of flanges (**Fig. 2 or 3 flanges at front and rear of deflection coil**) fanning out in a fan-shaped manner (**Fig. 2 or 3 no ref. #**) from a rear flange (**Fig. 2 or 3 top of drawing; this is a lying flange as compared to an upstanding flange**) to a front flange (**Fig. 2 or 3 no ref. #**); and a current supply wire (**Fig. 2 or 3 any of loose wires at front flange**) having a beginning portion detached from the plurality of flanges, wherein the beginning portion of the current supply wire is S-shaped (**Fig. 2 or 3 shows that some of the current supply wires are S-shaped**) by design during a winding of the deflection coil.

As to limitation winding in claim 15, it is the process step incorporated into which renders the claim as a product-by-process.

The courts have been holding that: "- In spite of the fact that a product-by-process claim may recite only process limitation, it is the product which is covered by the claim and not the recited process steps- -. (In re Hughes, 182 USPQ 106) - -". Also - - Patentability of a claim to a product does not rest merely on a difference in the method by which that product is made. Rather, it is the product itself which must be new and unobvious. (In re Pilkington, 162 USPQ 147) - -." Accordingly, "- - a rejection

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based on 35 U.S. C. section 102 or alternatively on 35 U.S. C. section 103 of the statute is eminently fair and acceptable." (In re Brown and Saffer, 173 USPQ 685 and 688). - -

The determination of the patentability of product-by-process claim is based on the product itself rather than on the process by which the product is made- -. In re Thrope, 777 F. 2d 695, 227 USPQ 964 (Fed. Cir. 1985).

As such, no patentable weight is given to process steps recited in claim 15.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Ikeuchi U.S. Patent 5,446,432.

Regarding claim 13, Ikeuchi discloses a deflection coil (**saddle type deflection coil Fig. 7 ref. 1**) for a cathode ray tube, the deflection coil comprising: a plurality of flanges (**Fig. 7 no ref. # one at front and one at rear**) fanning out in a fan-shaped manner (**Fig. 7 no ref. #**) from a rear flange (**Fig. 7 no ref. #; right side**) to a front flange (**Fig. 7 no ref. #; left side**); and a current supply wire (**multicore parallel conductor wire ref. 15**) having a first portion detached from the front flange (**winding starting ends and winding terminating ends i.e. detached portions SA, SB, FA and FB**) and a second portion attached to the front flange (**winding starting ends and winding terminating ends i.e. attached portions SA, SB, FA and FB**), wherein an impression of the first portion of the current supply wire is absent from the front flange (**Fig. 7; no impression on Fig. 7 and none mentioned in the specification**).

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Arimoto et al. U.S. Patent 4,882,521.

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Regarding claim 13, Arimoto discloses a deflection coil (**deflection coil Fib. 2B ref. 3 or ref. 4**) for a cathode ray tube, the deflection coil comprising: a plurality of flanges (**Fig. 2A no ref. #**) fanning out in a fan-shaped manner (**Fig. 2A**) from a rear flange (**Fig. 2A right side**) to a front flange (**Fig. 2A left side**); and a current supply wire (**Fig. 2B two terminals sticking out the top of ref. 3 and at the bottom of reference 3 or Fig. 2B two terminals sticking out of the left side and two terminals sticking out the right side of ref. 4**) having a first portion detached from the front flange (**Fig. 2B no ref. #**) and a second portion attached to the front flange (**Fig 2B no ref. #**), wherein an impression of the first portion of the current supply wire is absent from the front flange (**Fig. 2B no impression present on drawing; No impression presented in the specification**).

Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Barbin U.S. Patent 3,588,566.

Regarding claim 15, Barbin discloses a deflection coil (**deflection coil ref. 10 Figs. 1 and 2**) for a cathode ray tube, the deflection coil comprising: a plurality of flanges (**front conductor and rear conductor refs. 13 and 14 respectively**) fanning out in a fan-shaped manner (**Figs. 1, 2 and 3 no ref. #**) from a rear flange (**ref. 14**) to a front flange (**ref. 13**); and a current supply wire (**start of the winding and end of the winding ref. S, F respectively**) having a beginning portion detached from the plurality of flanges, wherein the beginning portion of the current supply wire is S-shaped (**F is clearly S-shaped; S is also**) by design during a winding of the deflection coil.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vink et al. U.S. Patent 5,013,964 discloses a Method of Manufacturing A Saddle-Shaped Deflection Coil For A Picture Display Tube And Display Tube Comprising A Deflection System Using Saddle-Shaped Deflection Coils. Vink et al. U.S. Patent 5,001,390 disclose a Combination Of A Display Tube And A Deflection Unit, With Reduced North-South Raster Error. Heijnemans et al. U.S. Patent 4,242,612 disclose a Deflection Unit For Color Television Display Tubes. The previous three patents write about a lying flange. Hichiwa et al. U.S. Patent 5,841,226 disclose a Deflection Yoke.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

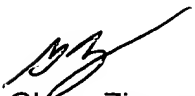
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (703) 308-8991. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is n/a.


Glenn Zimmerman
March 14, 2003


ASHOK PATEL
PRIMARY EXAMINER